

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

LEAGUE OF CONSERVATION VOTERS <i>et al.</i> ,	)	
	)	
<i>Plaintiffs,</i>	)	
	)	
v.	)	No. 3:17-cv-00101-SLG
	)	
DONALD J. TRUMP <i>et al.</i> ,	)	
	)	
<i>Defendants,</i>	)	
	)	
AMERICAN PETROLEUM INSTITUTE and STATE	)	
OF ALASKA,	)	
	)	
<i>Intervenor-Defendants.</i>	)	
	)	

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**DECLARATION OF ROBERT THOMPSON**

I, Robert Thompson, hereby declare as follows:

1. I am a founding member and Chairman of Resisting Environmental Destruction on Indigenous Lands (REDOIL), operating as a non-profit educational organization with 501(c)(3) status. I am familiar with REDOIL's organizational interests and activities. I am also a current member of Alaska Wilderness League (AWL) and Northern Alaska Environmental Center (NAEC). I rely on REDOIL, AWL, and NAEC to represent my interests in the Arctic Ocean.

2. In June 2002, a group of Alaska Natives came together in Cordova to share knowledge, experience and strategies for addressing the detrimental impacts of fossil fuel development in Alaska. The meeting in Cordova resulted in the formation of an Alaska network, which is Resisting Environmental Destruction on Indigenous Lands, or REDOIL. The REDOIL network consists of grassroots Alaska Natives of the Inupiat, Yupik, Aleut, Tlingit, Gwich'in, Eyak and Denaiana Athabascan tribes. The REDOIL network has approximately 30 affiliates, some of which are individuals, tribes, and native organizations. The REDOIL network addresses the human and ecological health impacts of the unsustainable development practices of the fossil fuel industry in Alaska. REDOIL strongly supports the self-determination rights of tribes in Alaska, a just transition from fossil fuel and mineral development, and the implementation of tribal options for sustainable development. REDOIL addresses the fossil fuel and mineral issues based on these primary pillars: 1) Sovereignty/Subsistence, 2) Human and Ecological Health and 3) Global Warming/Climate Justice.

3. Subsistence is one of the primary pillars of REDOIL's organizing work. This issue is of critical importance to Alaska Native tribes. Subsistence is our identity, our culture, our spirituality, our social structure and our physical sustenance. To Alaska Natives, subsistence

is our way of life. Our physical nourishment is provided by our subsistence lifestyles which we have lived for millennia. Subsistence defines our livelihood which has been passed down generation to generation. An essential element to our subsistence culture is passing our ancestral traditions on to the next generation. Subsistence cannot be narrowly defined, it is more than hunting, fishing and gathering. It is about our connection to our homelands, including the oceans, and our values as Indigenous peoples. REDOIL aims to protect our inherent fundamental human right to live our way of life.

4. REDOIL has members throughout Alaska's North Slope who primarily live a subsistence way of life which is dependent upon the Chukchi and Beaufort seas ecosystems, including the adjoining coastal and onshore areas, for physical, cultural, spiritual, social and economic sustenance.

5. REDOIL affiliates that live on the North Slope rely on REDOIL to share information on any fossil fuel related activities and issues which may adversely affect their subsistence livelihood. We maintain information sharing with our affiliates through teleconferences, email, and in-person meetings at least once a year. We also travel to the North Slope communities to meet with the leadership and discuss their needs or concerns. We are sometimes called upon to assist with public relations, as well as being a liaison between communities and the conservation community. REDOIL strives to bring the community members to the forefront of the debate on fossil fuel issues as well since it is their lives that will be directly affected. In sum, our members rely upon REDOIL to keep them informed about government and industry fossil fuel activities that may affect them and to advocate on their behalf with regard to their interest in a clean, healthy environment and their interest in subsistence activities.

6. REDOIL and its member affiliates in the North Slope of Alaska are seriously concerned about oil and gas activities in the Chukchi and Beaufort seas. These activities will result in noise, traffic, oil spills, air and water pollution, and industrial infrastructure that do not belong in the ocean or the land. REDOIL and its members are particularly concerned about the effects that oil and gas activities could have on subsistence species, especially marine mammals. REDOIL affiliates' lives are closely connected to the marine animals in the Chukchi and Beaufort seas, including bowhead whales, ice seals, and walruses. Offshore oil and gas exploration and development activities, such as seismic surveying and drilling activities, introduce industrial noises and other disturbances into our environment—from seismic air guns, drilling rigs, helicopter and airplane flights, icebreaking, and other vessel traffic—that can directly or indirectly harm the animals or change their behavior and thus adversely affect our affiliates' traditional way of life. Similarly, an oil spill—including one that could potentially go unabated all winter long—can kill, harm, or scare away these animals, destroy their sensitive Arctic habitats, and damage the Arctic Ocean ecosystem as a whole and thereby adversely affect our affiliates.

7. REDOIL and its affiliates also fear that oil and gas exploration and development activities will add to the effects of climate change that are already affecting us, including our ability to engage in traditional subsistence activities. Melting sea ice is causing coastal erosion, stronger storms, and more dangerous hunting and whaling conditions. These effects are threatening our affiliates' lives, communities, and culture.

8. REDOIL affiliates have consistently spoken out on the record at public hearings held on the North Slope regarding proposed offshore oil and gas activities in the Chukchi and Beaufort seas. REDOIL has submitted comments on various proposals, including Shell's

Chukchi and Beaufort Sea Exploration Plans, Shell's 2011 Chukchi and Beaufort Sea Spill Plans, Shell's notices of intent for coverage under the Arctic NPDES General Permit, National Marine Fisheries Service's proposed Beaufort Sea Incidental Harassment Authorization, Environmental Protection Agency's proposed air permit applications for Shell's *Kulluk and Discoverer* drill ships, and various other oil and gas permitting and planning decisions.

9. REDOIL aligns itself with the observations of the Inupiat people, since they are experts in the ecosystems of the Chukchi and Beaufort seas. Their expertise is based on traditional ecological knowledge passed down generations. REDOIL strongly feels that exploration and drilling activities in the Chukchi and Beaufort seas will have serious implications to the subsistence resources and lifestyle of the Inupiat who depend upon the area and, thereby, permanently harm REDOIL and its affiliates' interests in the region.

10. In sum, REDOIL has a strong organizational interest in the Chukchi and Beaufort seas, including areas affected by the Trump Administration's April 28, 2017 executive order trying to undo the permanent protections put in place by the previous Administration. REDOIL members rely upon the Chukchi and Beaufort seas and the adjoining coastal and onshore areas for their livelihood, including subsistence way of life. Those members also rely upon REDOIL to inform them of government and industry activities that harm their interests in these areas. They rely on REDOIL to advocate for their interests. The Trump Administration's decision to make the Chukchi and Beaufort seas again available for oil and gas leasing, exploration and development harms REDOIL and its affiliates' interests in the Arctic Ocean. The decision threatens important subsistence resources, including marine mammals, and the integrity of the Beaufort and Chukchi sea ecosystem, the very fabric that supports the region's Indigenous peoples, cultures, and their subsistence ways of life.

11. REDOIL makes all of the above statements based on the serious concerns we have with the disproportionate social, cultural, spiritual, economic, and climate impacts of the fossil fuel industry on Alaska Natives within the State of Alaska. We strongly contend that the fossil fuel industry is seriously harming Alaska Native peoples that are in close proximity to any fossil fuel exploration and development project and this is unacceptable.

12. I am a resident of Kaktovik, located along the Beaufort Sea. I have lived in Kaktovik for approximately thirty years and plan to continue to live here into the future. I am Inupiaq. Inupiat have lived in Northern Alaska for thousands of years. My family name is Aveoganna. My mother was originally from Wainwright, Alaska, and moved to Fairbanks, Alaska, where I was born. I came to the North Slope in 1970 to learn about my heritage and to get to know my relatives.

13. After I married Jane Akootchook, who is from Kaktovik, we began to travel to Kaktovik frequently. We first traveled to Kaktovik together in 1972 and returned many times after that to visit our families and to participate in Inupiat cultural activities. In 1988, I made Kaktovik my home.

14. Our culture is based on hunting activities. These activities have happened for thousands of years. I have hunted marine animals such as bowhead whales, polar bears and seals, land animals including musk-ox, Dall sheep, brown bears and caribou, and waterfowl along the coast. The activities we participate in are communal activities, it is much more than just acquiring meat, it is an interaction with other people and a tie to the past.

15. One of the bedrocks of Inupiat culture is the bowhead whale. During the spring of 1970, I was on the whaling crew of my uncle, Winfred Ahvakana, at Point Barrow. We hunted bowhead whales in a very traditional way, using an umiat, a traditional boat made from

bearded seal skins, and using paddles to pursue the whale. We succeeded in catching a bowhead whale using this traditional equipment. This experience caused me to realize the importance of whaling to our culture. All of the activities related to whaling give our people purpose. Whaling involves many members of the community who participate in different ways: crew members go out in the boat; nearly everyone participates in the butchering of a whale; many women cook the meat; people in the community, including myself, use baleen from the whale to make model boats or other crafts. Whale meat is shared amongst everyone in the community. Many parts of our culture are related to whaling. Were it not for the whales, other marine life, and birds, I feel that our ancestors could not have lived in the Arctic.

16. I have been a member of whaling crews for many years and have participated in many successful hunts for bowhead whales. I still participate in bowhead whale hunting activities and intend to continue into the future. I feel very fortunate to be a part of these hunts, as our people have engaged in whaling for thousands of years and it defines us as a people. Whaling and other hunting activities gives us a connection to our culture and to the past. Should anything harm these whales or prevent us from whaling, my interests in this food source and cultural tradition would be harmed.

17. The Kaktovik fall whale hunt typically begins on Labor Day weekend, in early September, and continues until the village has met its harvest quota—typically through September and sometimes into October. Whaling crews leave from the northeast side of Barter Island, and typically head north in search of whales. The crew and I prefer to stay within 10 miles of shore during the whale hunt and the farthest out we have ever been is about 23 miles from shore. I was frightened to be so far out, vulnerable to a change in weather and too far out to see the coast. Now that climate change is happening, there is several hundred miles of open

water for wind to act upon. The farther out we hunt, the farther we have to tow a whale after it is caught. At least twice, some of the meat in whales caught by Kaktovik whalers spoiled before the whales could be brought to shore and butchered.

18. I believe that aspects of modern western culture, such as the requirement to attend schools, have caused the loss of many parts of our traditional Inupiaq culture; however, whaling and hunting continue to be the central part of our culture. Each part of the year has unique activities that we look forward to, such as spring is the time to hunt waterfowl, eider ducks, geese, and ducks along the coast. I sincerely wish to pass on the enjoyment of these activities to our future generations.

19. I am also a wilderness guide for visitors to the Arctic. I primarily take people to view polar bears.

20. Even though I live in Kaktovik, I am closely connected to the Chukchi Sea. In fact, I do not see a divide between the Chukchi and Beaufort seas; the boundary between the two seas is a recent designation. Both seas are part of the bigger Arctic ecosystem, and many animals, including marine mammals, fish, and birds, migrate through both seas. Many of the animals we utilize in the Beaufort Sea travel through the Chukchi Sea to get to us. I am concerned that oil and gas activities in the Chukchi Sea will harm the animals, birds, and fish so that they no longer travel to the Beaufort Sea. Then I will no longer be able to hunt them. My usual area to pursue subsistence activities is in proximity to Kaktovik, but I do occasionally travel to areas by the Chukchi Sea, including in Wainwright, to visit and to hunt with my relatives. It is part of our culture to share food items with our relatives. My family has always received our native foods from our relatives, even before I set foot on the North Slope. This tradition prevails to this day. We Inupiat are all tied together by our cultural activities.



21. I also enjoy carving ivory from walruses, though I am not a professional carver. In the past, my relatives from the Chukchi Sea coast have given me walrus ivory to carve. Recently, though, there has been less and less ivory because it is getting harder to hunt walruses because of the loss of sea ice. Nevertheless, I would like to continue to carve ivory and partake in walrus meat going forward.

22. I am very concerned and deeply frustrated about the Trump Administration's decision to reopen the Arctic Ocean to oil and gas leasing, exploration, and development. When the Obama Administration withdrew the Arctic Ocean from future offshore oil and gas activities in 2016, it was a major relief to me. Our ocean, the animals, and our way of life were finally protected. But with President Trump's decision, we are once again faced with these harmful activities in our waters, activities which include seismic surveying, icebreaking, drilling, traffic from support vessels, helicopters and other aircraft. These activities will generate noise, pollution, risk of oil spills and other changes in our environment that could have a devastating impact on our culture and our way of life. Several years ago, I looked out the window of my house and saw a large seismic ship out on the Beaufort Sea. This caused me great stress. I felt as if my home was being invaded by an enemy.

23. I am concerned that oil and gas exploration activities, including seismic surveying, will introduce very loud noises and other disturbances into our ocean that can hurt or scare away marine mammals, including whales, seals, polar bear, and walrus. Such activities have the potential to divert bowhead whales beyond where we can hunt them by our traditional means, affecting my ability to engage in and pass on subsistence traditions. In 1987, when exploratory drilling was done in the Beaufort Sea in proximity of Kaktovik, we did not get a whale. Seismic activities also have the potential to harm bowhead whales over time due to

repeated exposure along the whales' migratory path. If we are not able to hunt bowhead whales because the industry's activities deflect or harm the health of the whales, a central aspect of our culture, which has been in existence for thousands of years, would be lost. I value our culture highly, and I would be severely adversely affected if our culture were damaged in this way. It pains me to think that our culture could be displaced by the actions of oil corporations or a single President.

24. I also worry that walrus will be similarly affected by exploration activities. Walrus are mainly in the Chukchi, but they also come to the Beaufort side, especially near Barrow. In Kaktovik, we see individual or small groups of walrus every few years. They usually come with the ice. Every once in a while, someone in town will get one of these walrus. In 2013, I saw a walrus while leading a trip of people looking for polar bears. The group took a lot of pictures of the animals. Like other animals, I see walrus as connected to the rest of the Arctic ecosystem, and their health is connected to the health of the whole. Therefore, if something happens to the walrus in the Chukchi Sea, the effects will reverberate through the ecosystem.

25. My family and I also hunt for bearded and ringed seals every year in the Beaufort Sea. The seals provide us food and oil. Bearded seals provide a lot of oil. We use the oil for dipping sauce for frozen fish and dried meat. I have never seen a bearded seal on top of the ice. I assume that the bearded seals move into this area from somewhere else, because I rarely see them in this area in the spring, when the ice is still around. They begin to show up around Kaktovik in July and August. I have also seen bearded seals in the area in September, while we are whaling. I often see seals in the waters around Kaktovik during the summer and early fall. I also frequently see ringed seals and bearded seals in the lagoons, inside the barrier

islands around Kaktovik. I have seen many ringed and bearded seals in coastal waters of the Beaufort Sea from the waters around Flaxman Island and the mouth of the Canning River to the waters a few miles to the east of Kaktovik. I have hunted for and gotten seals many times in these waters. I hunt seals in open water from boats. I hunt for seals July through September, often in conjunction with trips when I go camping and caribou hunting. I have also usually done some fishing during these trips as well. Almost every year, I or one of my family members have gotten a bearded or ringed seal during these months. If we are not able to get a bearded seal, others in the village often share their bearded seal meat and oil with us. If seals were to be adversely affected by oil and gas activities in the Arctic Ocean, this could in turn harm all our family and cultural traditions associated with seals. Also, any harm to seals could also affect polar bears that depend on seals for food. If so, this would also hurt me and my guiding business.

26. I am also worried about oil spills and the government and oil companies' inability to prevent and clean up oil in our waters. I followed the Gulf oil spill closely. I read about the amount of resources, thousands of people and vessels, which were mobilized there. I don't understand how they can claim that they will have better success with clean-up with fewer resources and in a much harsher environment. If an oil spill happens, I worry about the oil reaching the shore and harming fish, birds, and other animals and contaminating our food. Even a bigger concern to me is all the oil that ends up floating in the ocean and through the water column. That is where the walruses, whales, seals, fish and other marine animals are and they cannot get out of the water to escape the oil. An oil spill could prevent us from going whaling or hunting. I don't know if we would try to get a whale or a seal that had potentially been in contact with oil. And oil spill could also adversely affect my guiding business.

27. I have read Marla Cone's "Silent Snow" that documents the problems that persistent toxic pollutants are having on the Arctic. These toxins are accumulating in the bodies of many Arctic mammals, including humans, with grave consequences. I worry that introducing new sources of pollutants, such as oil, into the Arctic environment will just make things worse. I feel lucky that whales and walruses and other marine mammals are still relatively free of industrial pollutants. I want to keep our animals that way. And, instead of introducing new sources of pollution to the Arctic, we should focus on reducing them.

28. I've seen many changes in the Arctic Ocean since I first moved there in the 1970s. During summers, I used to be able to see pack ice from Kaktovik but now all we see is open water. In 2016, the ocean in front of my house was ice free by June 1. With more open water, we are experiencing bigger storms and bigger waves that affect our coastline. The loss of summer sea ice is also threatening polar bears that depend on sea ice for hunting. I am concerned that any future oil and gas development in the Arctic Ocean will contribute to greenhouse gas emissions and worsen the changes we are already experiencing due to changing climate.

29. I plan to continue to fish and hunt for seals in the waters of the Beaufort Sea between Flaxman Island and Kaktovik this summer and for the rest of my life. This year, from early August until September, I plan to go camping and hunting along the Beaufort coast between the Canning River and Kaktovik. I will have my boat and plan to travel along the coastal waters of the Beaufort and hope to catch a seal during these travels, as I have done many times in years past. As usual, I also hope to catch some fish and hunt for waterfowl during this trip. I will also help with the bowhead whale hunt in the fall. I also hope to share the food I hunt

with family and to receive shared foods from them, including perhaps walrus and walrus ivory to carve. I also plan to return to visit family along the Chukchi Sea coast and continue to engage in sharing our traditions with them. I intend to continue all these activities as long as I live and pass them to the younger generation.

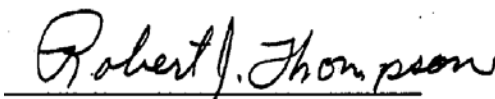
30. Our culture depends on a clean environment and the health of the animals that live in that environment. The ocean has sustained Inupiaq people for thousands of years, and I wish to pass that along to future generations to enjoy as I have. I fear that if oil exploration and drilling activities are allowed to proceed in the Arctic Ocean, our culture and the ocean that it depends upon could be seriously harmed.

31. I personally depend upon a healthy Arctic environment and the animals of the Arctic Ocean, such as bowhead whales, polar bears, and seals, not only for my own subsistence hunting and cultural well-being, but also professionally for my wilderness guiding business. Thus, any harm to these animals caused by oil activities will directly affect my ability to carry on my guiding activities, as well as my ability to conduct subsistence hunting that is important to me.

32. I am concerned that the animals of the Arctic are already stressed by climate change, and that all of the industrial activities associated with oil exploration will only increase the stress that these animals have to endure.

I declare under penalty of perjury that the foregoing declaration is true and correct.

Dated: June 5, 2018

A handwritten signature in black ink, reading "Robert J. Thompson", written over a horizontal line.

Robert Thompson